REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 9, 10, 17, and 18 are pending in the present application, Claims 9, 17, and 18 having been amended. No new matter is added.

In the outstanding Office Action, Claims 9, 10, 17, and 18 were objected to; Claims 9, 10, 17, and 18 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement; and Claims 9, 10, 17, and 1 were rejected as being unpatentable over Wiser et al. (U.S. Patent No. 6,385,596, hereinafter Wiser) in view of Sahai et al. (U.S. Patent No. 6,594,699, hereinafter Sahai), and further in view of Dodrill et al. (U.S. Patent No. 6,594,699, hereinafter Dodrill) and Shearer et al. (U.S. Patent No. 5,579,521, hereinafter Shearer).

With respect to the objection to Claims 9, 10, 17, and 18, the informalities noted in the Office Action are corrected. Thus, this ground of objection should be withdrawn.

Applicants respectfully traverse the rejection of Claims 9, 10, 17, and 18 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Amendment filed July 8, 2010 identified Applicants' Fig. 24 as support for the amendment. However, the Office Action did not consider Applicants' Fig. 24, and instead the Office Action only refers to paragraph [0142] in the pre-grant publication of Applicants' specification.

Fig. 24, step S95, states "display dialog box for optimization." Page 45, line 3 of Applicants' specification states that "the GUI 101 is operated to carry out optimization." This language means that the GUI must receive user input to authorize the process to move forward to step S96 in Applicants' Fig. 24. In regards to the dialog box shown in Applicants' Fig. 16, the specification states "a dialog box in which instructions for optimization are to be

entered."[1] Thus, the dialog box has to receive an input from a user in order for the process to be authorized to proceed to the next step.

Furthermore, page 45, lines 18-21 of the specification describes that "optimization" refers to converting a file.

Furthermore, the determining that the file format is incompatible with the first and second formats is also shown in Applicants' Fig. 24. Page 43, line 1 to page 44, line 6 of Applicants' specification describes determining that the file format is incompatible with the first and second formats.

In view of the above comments, Applicants respectfully submit that Claims 9, 10, 17, and 18 comply with 35 U.S.C. §112, first paragraph, and respectfully request that this ground of rejection be withdrawn.

Applicants respectfully traverse the rejection of Claim 18. Claim 18 recites, *inter alia*, "a processor configured to determine that the file format operable with the another information processing apparatus is incompatible with the first format and the second format of the predetermined content." A proper combination of Wiser, Sahai, Dodrill, and Shearer do not disclose or suggest at least this feature of Claim 18.

Pages 9-10 of the Office Action acknowledge that this feature is not disclosed by Wiser and Sahai. The Office Action relies upon Dodrill to describe the above-noted feature from Claim 18. However, Applicants respectfully traverse the position taken with respect to Dodrill.

According to col. 15, lines 39-41 of Dodrill, a "web page developer (not shown) is aware that the client computer system 130 is capable of audibly reproducing (e.g., via a plug-in) audio file data only in a specific audio encoding format." However, in the invention defined by Claim 18, ***a processor*** determines that the file format operable with the another

[1] Specification, page 6, lines 1-2.

information processing apparatus is incompatible with the first format and the second format of the predetermined content. A processor making a determination is different than a person (e.g., web page developer) from making a determination. The system of Dodrill is inefficient because a person has to have knowledge of the capabilities of the client. In the invention defined by Claim 18, a processor makes the determination regarding incompatibility, and a user does not need to be aware of the capabilities of his machine. Thus, unlike the system of Dodrill, the invention defined by Claim 18 does not require that any person be aware of the audio encoding formats used by the "another information processing apparatus."

Thus, Dodrill does not disclose or suggest the claimed "a processor configured to determine that the file format operable with the another information processing apparatus is incompatible with the first format and the second format of the predetermined content." Furthermore, as this feature of Claim 18 is not described in the Wiser, Sahai, and Shearer, Applicants respectfully submit that a person of ordinary skill in the art could not properly combine the cited references to arrive at the invention defined by Claim 18.

In view of the present amendment and in light of the foregoing comments, it is respectfully submitted that Claim 18 patentably defines over the asserted prior art. Although of differing statutory class and/or scope it is respectfully submitted that Claims 9 and 19 also patentably define over the asserted prior art for similar reasons discussed above with regard to amended Claim 18.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the presently claimed invention is definite and patentably distinguishing over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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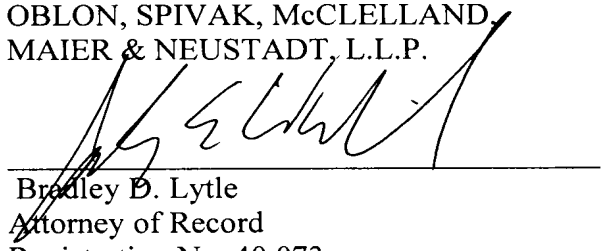

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